IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20098 of 2004

Between:

1 G. Somala, s/o Ramoji,
r/o Bikaya Thanda, Kodad Mandal, Nalgonda District.
2 S.K. Syeda Hussain, S/o Naveejad,
R/o Ganugabanda Village, Garudepalli Mandal,

Nalgonda District.

..... PETITIONERS

AND

1 The Station House Officer, Kodad Rural Police Station,

Kodad, Nalgonda District.
2 The Deputy Commissioner of Prohibition and Excise,

Mahaboobnagar Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus , to declare the action of the 1st respondent in seizing the Scooter (Bajaj Chetak) registration bearing No. AP 24 C 3202 and T.V.S. XL AP 24 B 7273 seized under Crime No. 12/2003 on the file of the 1st respondent belonging to the petitioners herein as illegal, arbitrary and consequently direct the respondents herein to release the vehicles.

Counsel for the Petitioners: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioners seek a writ of Mandamus declaring the action of the 1st respondent-Station House Officer, Kodad Rural Police Station, Kodad, Nalgonda District in seizing the Scooter (Bajaj Cheteck) bearing No.AP 24 C 3202 and T.V.S.XL.AP 24 B 7273 seized under Crime No.12/2003, as arbitrary and illegal.

It is represented by the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise that the Deputy Commissioner of Prohibition and Excise is the competent authority to consider the request for release of either the seized stock or the vehicles involved in the offence.

Learned counsel for the petitioners states that the petitioners are also willing to furnish the bank guarantee to the value of the vehicles seized.

In the circumstances, the writ petition is disposed of, granting liberty to the petitioners to make an appropriate application before the 2nd respondent herein for release of the seized vehicles, within a period of two weeks from today. If such an application is made, the 2nd respondent is directed to consider the request of the petitioners for release of the vehicles on condition of furnishing bank guarantee and to pass appropriate orders in accordance with law. within a period of four weeks from the date of receipt of such application from the petitioners. No order as to costs.

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02-11-2004

Note: Issue C.C in three days.

B/o.

vs

To

1 The Station House Officer, Kodad Rural Police Station,

Kodad, Nalgonda District.

2 The Deputy Commissioner of Prohibition and Excise,

Mahaboobnagar Division, Mahaboobnagar District.

3 2CCs to the G.P for Prohibition and Excise,

High Court Buildings(O.U.T)

4 2CD copies.